

UNIFORM PLUMBING CODE™ - 2006  
TIA Log No. UPC -06  
Reference: 301.2  
Comment Closing Date:  
Submitter: Bob Adler, City of San Jose, California

**Proposed language for TIA:**

*1. Revise Section 301.2 to read as follows:*

**301.2 Alternate Materials and Methods of Construction Equivalency.** Nothing in this code is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety over those prescribed by this code. Technical documentation shall be submitted to the Authority Having Jurisdiction to demonstrate equivalency. The Authority Having Jurisdiction shall have the authority to approve or disapprove the system method or device when determined to be equivalent or superior.

However, the exercise of this discretionary approval by the Authority Having Jurisdiction shall have no effect beyond the jurisdictional boundaries of said Authority Having Jurisdiction. Any alternate material or method of construction so approved shall not be considered as conforming to the requirements and/or intent of this code for any purpose other than that granted by the Authority Having Jurisdiction. ~~when the submitted data does not prove equivalency.~~

*2. Revise Section 301.4.5 to read as follows:*

**301.4.5 Design Approval.** ~~Where~~ ~~†~~ The Authority Having Jurisdiction shall have the authority to approve or disapprove ~~determines that~~ the alternative engineered design. The alternative engineered design shall conforms to the intent of this code. ~~; the plumbing system shall be approved.~~ If the alternative engineered design is not approved, the Authority Having Jurisdiction shall notify the registered design professional engineer in writing, stating the reasons therefore.

**Substantiation for TIA:**

Technical Merit:

The proposed revision correlates the 2006 Uniform Plumbing Code with the 2006 Uniform Mechanical Code and provides the Authority Having Jurisdiction (AHJ) with the intended authority to limit the scope of approval. As currently written the Authority Having Jurisdiction must approve the method or material and conflicts with the requirements in Sections 105.0, 106.0, 107.0, 107.1, 107.2 and 108.1 of the 2006 Uniform Mechanical Code as well as subsequent sections of the UPC such as Sections 102.2.4, 508.1 and 1014.1.2. The intent of these sections is that the Authority Having Jurisdiction has the authority to approve or not to approve the method or material. A common misconception is implied that jurisdictions

must approve the material or method instead of having the Authority to disapprove. Both the UPC and UMC had proposed revisions to Alternate Materials and Methods of Construction Equivalency however; the proposed language was not correlated between the two codes. As currently stated, “shall approve” provides misconceptions that lead to non-uniform enforcement. The proposed TIA provides clarification and reduces the chance of misapplication or misunderstanding.

#### Emergency Nature:

By mandating, that the AHJ shall approve would remove the said authority’s discretionary powers. It would severely impair the AHJ’s authority for gaining code compliance. It is the duty of the AHJ to interpret, and determine compliance with, the code. Code compliance must rest with the judgment and expertise of the AHJ. The code official is obligated to secure the intent of the code using the best possible judgment in acting on the matter.